

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

AUNDRA DEBREL BOYKINS,	}	
	}	
Plaintiff,	}	
	}	
v.	}	Case No.: 4:19-CV-1934-ACA
	}	
JEFFERSON DUNN, et al.,	}	
	}	
Defendants.	}	

ORDER

Currently before the Court are two motions to seal documents, each filed by a defendant or group of defendants. (Docs. 125, 126). The motions relate to information that is presumably necessary for these defendants' forthcoming motions for summary judgment. The defendants move to seal their memorandum and documents because they may quote from and/or offer as evidence documents designated by the parties as "confidential" or "highly confidential."

The public has a constitutional right of access to judicial records. *Chicago Tribune Co. v. Bridgestone/Firestone, Inc.*, 263 F.3d 1304, 1310 (11th Cir. 2001). The common law right of access may be overcome by a showing of good cause, which requires balancing the asserted right of access against the other party's interest in keeping the information confidential. *Romero v. Drummond Co.*, 480 F.3d 1234,

1246 (11th Cir. 2007) (quotation marks and alteration omitted). Standing alone, the parties' confidentiality designation does not establish good cause.

In fact, the court undertook a cursory review of some of the exhibits listed by Defendants John Hamm, Guy Noe, and Dewayne Estes as documents they intend to provide in support of their motion for summary judgment as well as the documents' confidentiality designation. (Doc. 125-1). On their face, the court finds no basis to seal the documents identified as highly confidential and confidential in Mr. Boykins's deposition. The same is true for Exhibit 12 of Mr. Casey's transcript. And, in some cases, the identified exhibits received by the court are already redacted. (*See, e.g.,* doc. 125-1 at 2, Exhibit 8 to Brian Casey Transcript). The failure to provide unredacted copies for the court's review violates the United States District Court for the Northern District of Alabama Administrative Procedures under the CM/ECF § 3(A). This violation prevents the court from determining the merits of Defendants' motion.

Based on the foregoing, Defendants' motions are **DENIED WITHOUT PREJUDICE**. The deadline for filing memoranda in support of summary judgment is extended to February 20, 2023. By 5:00 PM on Monday, February 13, 2023, the parties are **ORDERED** to provide the Court the following:

1. For deposition transcripts, whether the confidential information contained therein is relevant to the motion for summary judgment or included for

- purposes of compliance with the court's order to file the complete deposition and exhibits;
2. To the extent that the confidential information is relevant to defendants' motion, the lines and pages of information that the defendant wishes to seal and the basis for sealing or redacting;
 3. For each exhibit to a deposition identified as confidential or highly confidential, identify whether the exhibit is relevant to the motion. If the parties agree that the exhibit is not relevant, the parties are excused from including the deposition exhibit. If the exhibit is relevant to the motion, the parties must provide the court unredacted pages of the exhibit; and
 4. For all relevant exhibits, the parties should designate any pages containing information identified in paragraphs 3(b)(i) and 3(b)(ii) of the parties' stipulated protective order (doc. 77), personal health information, and schematics of all or any portion of St. Clair Correctional Facility.

The court will hear any renewed motion to seal on **Wednesday, February 15, 2023 at 10:30 AM** in Courtroom 6B of the Hugo L. Black United States Courthouse. The parties should be prepared to argue the basis for sealing or redacting each exhibit and portions of its memoranda in support of motions for summary judgment (or response to any such motion, to the extent practicable at this time) **EXCEPT** those portions of any such exhibit or memoranda identified in paragraph four above.

DONE and **ORDERED** this February 10, 2023.

A handwritten signature in black ink, appearing to read 'Annemarie', is positioned above a horizontal line.

ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE